

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

Jeffrey Nichols,
Plaintiff

vs

Case number
20cv993

Joshua Allabach and
Brandon Dahl
Defendants

plaintiff demands trial by jury

Complaint

Plaintiff Jeffrey Nichols by his attorney William J Stevens
complains of defendants Joshua Allabach and Brandon Dahl as
follows.

1. Plaintiff Jeffrey Nichols is a citizen of the United States of America
and a citizen and resident of the State of Indiana.
2. Defendant Joshua Allabach is a police officer with the St Joseph
County Michigan sheriff's department and at all relevant times
alleged in this complaint was acting under color of law.

3. Defendant Brandon Dahl is a police officer with the St Joseph County Michigan sheriff's department and at all relevant times alleged in this complaint was acting under color of law.

4. This complaint seeks redress and damages for violation of the laws of the United States, the Constitutional Rights of the plaintiff and the vindication of plaintiff's Civil Rights. Those rights are protected by 42 USC § 1983, the 4th Amendment to the United States Constitution, the 5th Amendment to the United States Constitution as violations of those rights are made applicable to the States and their officers by the 14th Amendment to the United States Constitution. This court has jurisdiction pursuant to 28 USC § 1331 (federal question) and 28 USC §1343 (civil rights claims).

5. On October 23rd, 2017 the defendants Joshua Allabach and Brandon Dahl raided and searched the plaintiff's mother's home at 1008 Washington Street Three Rivers Michigan and falsely and maliciously claimed that plaintiff Jeffry Nichols possessed 1.38 grams of cocaine and a gram of marijuana in a man's jacket in a closet.

6. On October 23rd 2017 Defendant Brandon Dahl had plaintiff's mother call the plaintiff so that he could speak to plaintiff. Defendant Dahl claimed that in the phone call plaintiff made the statement that "he was not coming home". Plaintiff made no such statement. On October 23, 2017 and for several months prior thereto plaintiff resided in Elkhart Indiana and did not reside with his mother in Three Rivers Michigan.

7. On November 20, 2017 defendant Brandon Dahl executed an amended complaint falsely alleging that on October 23, 2017 Jeffrey Nichols possessed cocaine (Count1) and marijuana (Count 2) and caused an arrest warrant to be issued for plaintiff in violation of rights secured to the Fourth Amendment and Fourteenth Amendment to the Constitution of the United States of America.

8. As a result of the forgoing plaintiff was arrested, lost his liberty, was subjected to pretrial release restraints, the humiliation of being subjected to criminal proceedings not supported by probable cause.

9. Plaintiff had a well established Constitutional Right to be free from an arrest and proceedings when there was no probable cause to believe that

he committed an offense. *Gerstein v Pugh* 420 U.S. 103 (1975); *Albright v Oliver* 510 U.S. 266 (1994); *Manuel v City of Joliet Illinois* 580 U.S. –, 137 S Ct 911 (2017)

10. The charges were dropped in late 2018.

11. Defendants demonstrated their recklessness and evil intent by providing false information to the court and prosecutors about plaintiff's possession of drugs and residence.

132 As a direct and proximate result of the conduct of the defendants plaintiff has suffered a loss of liberty, emotional distress, humiliation, embarrassment, cost of defense of the charges and loss of enjoyment of life.

13. Plaintiff is entitled to punitive damages in that the defendants' conduct was reckless or callously indifferent to the plaintiff's federally protected rights or the defendants were motivated by an evil intent.

14. Plaintiff is entitled to attorney's fees and costs. 42 USC §1988.

15. Pursuant to FRCvP 38(b) plaintiff demands trial by jury.

Wherefore plaintiff Jeffrey Nichols asks for judgment against defendants Joshua Allabach and Brandon Dahl and each of them in such amount as the jury determines plus attorney's fees and costs.

/s / William J Stevens

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